

power to compromise and adjust the same as to them may seem advantageous, without the control or interference of the said Frances H. Harris, it being expressly understood, that she shall only be entitled to one clear third of whatever may be recovered by them of the said legacy or annuity, by suit or compromise, after deducting expenses, &c.

On the 22d of December, 1817, the Auditor, in conformity with an agreement of the parties, made a report to the Chancellor, ascertaining from the evidence then before him, the amount at that time due of the annuity for arrearages and interest, and also the amount of the legacy remaining unpaid, but this report was, by the Chancellor's order of March term, 1818, returned to the Auditor for a further report. Prior to this period, to wit, in June, 1809, a bill was filed by David Harris and Frances H. Harris, his wife, against John Moale and others, the purport and object of which, and of the bill of review by his and her executors, filed in 1815, and of an amended bill filed by them, is stated in an order passed by the Chancellor, on the 20th of September, 1820, in which the kind of decree to which he thought the complainants were at that time entitled, is pointed out. The Chancellor, in this order, expresses the opinion, that the residue of the estate of Richard Moale, devised to John Moale by Richard, gave the devisee no beneficial interest until the will was complied with, whether the rents arising from the estate remained at their first value or not, and that a decree for the payment of the annuity or arrearages of the legacy would not take any thing from the representatives of the said John to which they were entitled, and he affirms that such has been adjudged to be the effect of the will by the decree upon McLure's bill, passed in 1790. The Chancellor then, after describing the nature of the decree to which the complainants were at that time entitled, reserved for future consideration, the question of the propriety of selling the reversion, which had been somewhat pressed in the argument before him.

On the 23d of December, 1820, the Auditor, on the application of the administrator of Frances H. Harris, stated and re-